

**MINUTES**  
**NATURAL RESOURCES COMMISSION**

**LANSING CENTER**  
**333 E. MICHIGAN**  
**LANSING**

**JUNE 1, 2006**

**PRESENT FOR THE COMMISSION**

Keith Charters, Chair  
Bob Garner, Vice-Chair  
Mary Brown  
Darnell Earley  
John Madigan  
Frank Wheatlake

**ABSENT FOR THE COMMISSION**

Jerry Hall

**PRESENT FOR STAFF**

Becky Humphries, Director  
Dennis Fox, Chief of Staff  
Dennis Fedewa, Chief Deputy  
Mindy Koch, Resource Management Deputy  
Jim Ekdahl, UP Field Deputy  
Other DNR Staff

**COMMITTEE OF THE WHOLE**

**Chairman Charters** called the Committee of the Whole meeting of the NRC to order at 4:03 p.m.

**Director's Action Items – Discussion**

**Director Humphries** reported that the Phase II Land Review and Boundary Adjustment for Baraga County will be held-over for further review.

**Tom Wellman, Forest, Mineral and Fire Management Division**, reported on the Director's Action Item, Four Direct Oil and Gas Leases, Nondevelopment – Antrim County. The Applicant, DTE Gas and Oil Company of Traverse City, proposes to utilize horizontal drilling techniques from existing privately held surface well sites located outside of the Jordan Valley Management Area (JVMA) to reach hydrocarbons lying beneath the requested lease parcels. Public meetings have been held and support has been received from various groups on these leases.

**Director and Staff Reports**

**Director Humphries** reported that the 30<sup>th</sup> Anniversary of the Michigan Natural Resources Trust Fund will be celebrated throughout the State.

**Director Humphries** noted that a written report of legislative activities in Washington DC as well as the Association of Fish and Wildlife Agencies were distributed. Project GO-Get Outdoors events will be held at parks throughout the State on June 10-11.

**Rodney Stokes** presented a Legislative update as follows:

**HB 5912 (Gillard, D-Alpena)** requires the Department to promulgate rules to protect and preserve property under its control from depredation, damage, or destruction resulting from wrongful or improper use or occupancy. To accomplish this, the bill states that the Department will do the following:

1. Keep land under its control open to hunting unless the Department determines that the land should be closed to hunting because of public safety, fish or wildlife management, homeland security concerns, or otherwise required by law;
2. Manage land under its control to support and promote hunting opportunities to the extent authorized by law;
3. Manage land under its control to prevent any net decrease in the acreage of such land that is open to hunting.

The Department shall annually submit to the Legislature, a report that includes land that was previously open to hunting but now closed and land previously closed to hunting but now open to compensate for the land closed to hunting.

**HB 5951 (Jones, R-Grand Ledge)** authorizes a senior citizen (a person 65 years or older) to take deer with a crossbow during the bow and arrow deer season.

**HB 5954 (Hummel, R-DeWitt)** creates a definition in statute for muzzle-loading which is broader than the language currently used by the Department for firearms that are lawful to use in Michigan's muzzle-loading deer seasons. The change in definition proposed by HB 5954 will impact deer hunting during the December muzzle-loading only season and all southern Michigan firearm deer hunting. Current regulations allow for use of a muzzle-loading rifle or a black powder handgun during all firearm seasons in southern Michigan's "shotgun" zones. "Muzzle-loading" implies that the gun is loaded at the muzzle end of the barrel. This definition change would allow breech-loaded firearms (the part of the gun behind the barrel).

**HB 5998 (Gosselin, R-Troy)** proposes to authorize a person in possession of a physician's document which states that the person is "terminally ill" to take game or fish outside of established seasons on private property.

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**Director Humphries** introduced **Mary Ellen Cromwell** who was recently brought on staff as Assistant Resource Management Deputy. Ms. Cromwell previously worked for the Department of Environmental Quality.

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The Committee of the Whole meeting adjourned at 4:20 p.m.

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The Public Appearances portion of the meeting of the Natural Resources Commission convened at 4:35 p.m.

**Public Appearances**

Chuck DeLeeuw, Michigan Traditional Bowhunters  
Ron Easterday, St. Helen  
Robert McReavy, Nester Township, Roscommon County  
Judy McReavy, Nester Township, Roscommon County  
John Ormsby, Cheboygan County  
Taunia Ritter, Michigan Farm Bureau  
David Wolf, Ogemaw County

**Robert McReavy, Nester Township, Roscommon County**, recommended restoring the deer herd by issuing no doe permits. **Chairman Charters** noted that the responsibility of setting deer regulations lies with the NRC, not the DNR Director.

**Commissioner Garner** asked Mr. McReavy if his position is that there should be no antlerless permits. **Mr. McReavy** responded yes.

**Chuck DeLeeuw, Michigan Traditional Bowhunters**, thanked staff and Commissioner Wheatlake for holding the deer work shop in Big Rapids. He recommended that: northern Lower Peninsula (NLP) and Upper Peninsula (UP) deer management units be based on land ownership patterns and habitat opposed to county borders; antlerless permits on both public and private land in the NLP and UP be issued by drawing as opposed to over-the-counter; and; the current combo tag structure remain the same. He asked that, in the future, deer numbers not be allowed to get as low as they are now. He thanked Wildlife Division and Commissioner Wheatlake for holding the deer work shop in Big Rapids. **Commissioner Garner** asked if Michigan Traditional Bowhunters would support statewide no antlerless licenses statewide. **Mr. DeLeeuw** responded no.

**Taunia Ritter, Michigan Farm Bureau**, said that Farm Bureau represent 48,000 members across Michigan and expressed that the proposed deer management would not maintain healthy animals and would not maintain deer populations within the limits as dictated by the carrying capacity of the range, and by its effect on native plants, and agricultural, horticultural and silvicultural crops and public safety. They are concerned that this charge is not fully met in the current proposal in that it limits the taking of antlerless deer and has not considered additional population controls in some of the Zone 3 DMUs that are over population goals. Michigan Farm Bureau is particularly concerned with the limit of three antlerless licenses throughout the State, the closing of antlerless harvest on public and private lands, the new 40 acre rule for Zones 1 and 2, and that there have been no additional considerations for late antlerless seasons in Zone 3. Michigan Farm Bureau, however, appreciates the additional population pressure given to the TB area. **Chairman Charters** asked if there are still deer management assistant permits issued on private land with areas closed to antlerless permits. She replied yes.

**John Ormsby, Cheboygan County**, said he is pleased with the ongoing discussions on deer management. He expressed concern about the buck ratio and recommended that buck harvest be limited to those four points or better to develop a stronger herd.

**David Wolf, Ogemaw County**, believes that the deer population in his county is between eight and ten per square mile. He said that, in his discussions with county farmers, he has been told there is minimal crop damage.

Regarding clearcutting of state forests, he believes jack pine are acceptable, but clearcutting of hardwoods such as oaks should not occur. He said that clearcutting may affect the economy of an area. He believes that it is crucial to keep access roads open. Mr. Wolf supports allowing only one buck license in the UP.

**Ron Easterday, St. Helen**, expressed concern that clearcutting is still occurring in his areas and that it is not being cleaned up.

**Judy McReavy** has been a resident of Nester Township for many years. She said there are no deer in the woods leaving no place for she and her family to hunt. She asked that the “problem” be fixed.

#### **PARTNERS IN CONSERVATION AWARD PRESENTATION**

**Director Humphries** presented the following:

“I am pleased to present the Partners in Conservation Award to the Archery Trade Association and its two foundations, the Bowhunting Preservation Alliance and ArrowSport.

Your organizations are affiliated with and bring together all facets of archery and bow hunting, including education and research, trade associations and industry, and shooting sport enthusiasts.

I think it's important for folks to know that you dedicate the proceeds from your trade show—which represents 3,000 buyers and 8,000 attendees—to promoting, marketing and growing archery and bow hunting.

Clearly, you are instrumental in connecting hunting and conservation with local communities, archery retailers, conservation clubs, archery organizations and schools.

In fact, the efforts of your organizations have made the National Archery in the Schools Program possible in Michigan, and you recently funded our coordinator of that program, Mary Emmons.

Overall, Archery in the Schools promotes student education and participation in the life-long sport of archery, and positively influences student attendance, behavior, self-esteem, and confidence.

What started as a pilot program in Michigan in 2004 with 12 schools has grown to 53 schools with 72 physical education teachers trained as certified Archery in the Schools instructors.

So far, over 400 students have been able to participate in the school programs.

And, if that isn't enough, you are providing funding that will assist in range design and development and bow hunter education and training, which includes purchasing targets and equipment to outfit archery trailers for state fairs.

Through your commitment and passion, you have helped in providing countless hours of recreation and pleasure to those who enjoy archery and bow hunting.

We are honored to present this award to you for helping grow and protect these cherished sports in Michigan and in the nation.”

Jay McAninch, CEO/President, Archery Trade Association, Larry Griffith, and Jeff Poet of Jay's Sporting Goods, accepted the white pine plaque. The NRC commended the groups for working with children in the state to promote DNR's heritage.

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**Chairman Charters** adjourned the Public Appearances portion of the meeting and immediately convened the Regular Meeting of the NRC at 5:30 p.m.

**Closed Meeting**

Commissioner Garner made a motion, supported by Commissioner Madigan, to go into a Closed Meeting to discuss an attorney/client privilege document that is exempt from disclosure. Motion unanimously carried. The Closed Meeting convened at 5:35 p.m. and adjourned at 6:05 p.m.

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The regular meeting of the Natural Resources reconvened at 6:11 p.m.

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**BOBCAT DECISION**

Commissioner Garner made a motion, supported by Commissioner Madigan, requesting the Attorney General to pursue an appeal in the case involving bobcat trapping. Motion unanimously carried.

**APPROVAL OF MINUTES – MAY 4, 2006 NATURAL RESOURCES COMMISSION MEETING**

Commissioner Garner made a motion, supported by Commissioner Wheatlake, for approval. Motion unanimously carried.

**OPEN/CLOSED TO ANTLERLESS LICENSE SALES, PURCHASE REQUIREMENT AND LIMITATIONS**  
**WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 8 OF 2006**

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**FURBEARER REGULATIONS**  
**WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 10 OF 2006**

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**DIRECTOR'S ACTION ITEMS**

Director Humphries stated her intent to approval all Director's Action Items on the Agenda except Phase II Land Reviews and Boundary Adjustments, Baraga County, which will be held over for action at a later date.

**COMMITTEE REPORTS**

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES: Minutes Attached.

NRC POLICY COMMITTEE ON TECHNOLOGY, INFORMATION, MARKETING AND EDUCATION (TIME): Minutes Attached.

NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION: Minutes Attached.

NRC POLICY COMMITTEE ON LAND MANAGEMENT: Minutes Attached.

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The Natural Resources Commission meeting adjourned at 6:26 p.m.

## MINUTES

### NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

June 1, 2006

Lansing Center

The meeting convened at 1:15 p.m. Commissioner Garner (Committee Chair) and Commissioner Madigan were present for the Committee. Commissioners Wheatlake, Charters, Brown and Earley were also present.

**Kurt Newman, Fisheries Division**, presented the success of the Lake Erie walleye. Due to the 2004 regulation changes, which included size restriction, bag limit decreases, and closing the season in certain months, the walleye are now doing exceptionally well. The 2003 class of walleye has flourished. The April - May season has now been reopened.

#### Meeting updates

- Wolf Roundtable - meeting June 24 in Newberry
- Deer Workshop/Listening Session - June 17 at West Branch
- UP Habitat Workgroup Meeting - June 10 at Sault Ste Marie Country Club

**Faye McNew, Wildlife Division**, presented recommended hunting rule changes for Allegan State Game Area. The youth hunt was proposed to be two half-days. There were some Bravo unit clarifications and other language changes. Faye also presented for information a change to the time of year the NRC approves waterfowl regulations. Lastly, Faye recommended the following for the early and regular goose seasons:

#### Early goose season

- Upper Peninsula and Saginaw Bay: Sept 1-10
- Remainder of state Sept 1-15
- Daily limit: 3 birds per day

#### Local area changes

- Sleeper and Port Crescent State Parks have an early season.
- Brighton State Recreation Area restricts hunting within 450 feet of camp sites.

#### Regular Goose season

Upper Peninsula: Sept 18-Oct. 17  
Daily limit: 2 birds per day

Federal youth waterfowl hunt: Sept 16-17

**Rodney Clute, Wildlife Division**, presented the 2006 proposed elk license quotas. He also presented information on the supplemental feeding authority for deer. The regulations permitting supplemental feeding in some UP counties had on May 15, 2006. Approximately 50 supplemental feeding permits were issued in the UP during winter 2006. The NRC requested the order be modified to have a sunset date consistent with the sunset of the legislatively granted authority to the NRC to regulate supplemental feeding.

**Brian Frawley, Wildlife Division**, provided the final estimates for the 2005 Deer Hunting Season. Below are some highlights. The full report can found online at [http://www.michigan.gov/documents/deer\\_05harvest\\_161080\\_7.pdf](http://www.michigan.gov/documents/deer_05harvest_161080_7.pdf)

- License sales were down by approximately 10%.
- Harvest tags decreased by about 8%.
- 712,466 people purchased a license.
- Questionnaires delivered to 48,912 deer license holders.

68% responded to the survey (33,396 people).

**Bill Moritz, Wildlife Division**, presented the proposed 2006 Antlerless Deer License Quotas. All Wildlife Division Management Unit Supervisors were present for questions in regards to these recommendations.

**Commissioner Madigan** proposed a motion for the Upper Peninsula to go to one buck per person for all seasons combined. He would like to try this for one year. The motion was seconded by Commissioner Charters. The Wildlife Division was asked to draft language to bring to the NRC next month. **Commissioner Garner** talked about the enforcement issue plus issues dealing with people who have already purchased combo licenses.

**Commissioner Wheatlake** asked for some background information on impacts on the herd through quiet periods. **Chief Moritz** commented that historic data indicates there does not seem to be significant impact on the herd. **Commissioner Wheatlake** asked how participation numbers are reflected per opening day of firearm season. **Rod Clute** stated that a Wednesday is opener has the highest participation. Friday is next highest. Tuesday is the lowest. Then Saturday is next lowest.

The meeting adjourned at 3:45 p.m.

**MINUTES**

**NRC POLICY COMMITTEE ON  
TECHNOLOGY, INFORMATION, MARKETING AND EDUCATION  
June 1, 2006  
Lansing Center  
Lansing**

The meeting convened at 9:15 a.m. **Commissioner Mary Brown (Committee Chair) and NRC Chairman Keith Charters** were present for the Committee.

***Presentations***

**Kevin Frailey**, of the Office of Communications, gave a presentation of conservation education in Michigan and talked about continuing to work with partners in advancing conservation in the Department and in Michigan; **Bill Pemble**, of Land and Facilities gave an update on the Campground Reservation System and Retail Sales System highlighting some of the changes such as an online "shopping cart"; **Richard Morscheck**, of the Office of Communications, discussed the changes in some of the DNR's publications and the holistic approach to coordinating publication management through the Office of Communications.

The meeting adjourned at 10:15 a.m.



**MINUTES**  
**NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION**  
**JUNE 1, 2006**  
**LANSING CENTER**

The meeting was called to order at 9:00 a.m. on Thursday, June 1, 2006. **Commissioner Wheatlake (Committee Chair) and Commissioner Earley** were present for the Committee. **Commissioner Madigan** was also present and **NRC Chairman Keith Charters** arrived at 10:30 a.m.

**Citizen's Committee on Michigan State Parks Update**

**Murdock Jemerson, City of Lansing, Parks and Recreation**, reported that the last meeting of the Citizen's Committee on Michigan State Parks was held on April 6. The Committee is developing options for State Parks funding and several ideas have been discussed. They are reviewing what other States are doing for funding and intend to make a recommendation to the DNR Director, Rebecca Humphries in the fall of this year. Discussion ensued relative to the various funding options. **Chairman Wheatlake** commended the committee for their efforts and asked that they continue to present updates on their activities.

**Hunting And Fishing License Program Development Work Group**

**Chairman Wheatlake** (also Chairman of the Work Group), reported that several meetings have been held and that the Work Group is in recess until fall of this year. The Work Group is reviewing hunting and fishing license fee structure options to assist with future deficits in the Game and Fish Protection Fund. Fisheries and Law Divisions, as well as the Office of Land and Facilities, have made presentations at Work Group meetings. Wildlife Division will present when meetings convene in the fall.

**Fiscal Year (FY) 2006-2007 Budget Update**

**Dennis Fedewa, Chief Deputy**, distributed and reviewed the summary of FY 2006-2007 Senate and House Passed Changes to DNR's operating budget. The DNR will provide comments on the proposed budget. In summary, the Executive Recommendation General Fund portion is \$25.1 million of a total \$287 million budget. More information will be provided as the budget moves through the process.

**Audit Update**

**Tom Benson, Office of Internal Audit**, provided a DNR audit update. The Federal Audit conducted on federal assistance grants for the time period of October 1, 2002 through September 30, 2004, has been completed. Four nonmaterial findings were reported. The DNR is working with the U.S. Fish and Wildlife Service to address and/or correct these findings.

**Mr. Benson** reported on the Office of Auditor General audits:

Single Audit (Financial Audit of the DNR): for the period covering October 1, 2003 through September 30, 2005. The draft report is expected soon, with the final report to be issued by June 30, 2006.

Fisheries Division Performance Audit: for the period covering October 2, 1001 through March 31, 2004. The draft report is expected soon.

Forest, Mineral and Fire Management Division Performance Audit: for the period covering October 1, 2004 through July 31, 2006. The preliminary review is in progress to determine audit objectives, if any.

**Commisisoner Wheatlake** commended staff for the good audit reports.

### **Fund Reviews**

**Dennis Fedewa and Sharon Schafer, DNR Administration**, presented status updates on the following funds:

Forest Development Fund: Warren Suchovsky, Forest Management Advisory Council and Tom Barnes, Michigan Association of Timbermen, and Bill Bobier were present representing the Forest Advisory Council. Revenue into this fund is derived from the sale of timber on tax reverted lands. This fund balance is expected to go into deficit in FY 2008. There is increasing pressure on this fund as funds are shifting. **Mr. Bobier** believes it is prudent to spend from this fund for building facilities and not allow lapses. **Mr. Suchovsky** noted that it is important to keep infrastructures up-to-date. **Lynne Boyd, Chief, Forest, Mineral and Fire Management Division**, noted that revenue to this fund is down compared to 2005 in this same quarter. Discussion ensued relative to speculation on this fund and how to protect it.

Game and Fish Protection Fund-General Purpose: **Sharon Schafer, Chief, Office of Budget and Support Services**, noted that revenues to this fund are derived from the sale of hunting and fishing licenses. Revenues to this fund are decreasing. Future discussions will be held relative to the Director's authority to regulate the price of an antlerless deer license. Currently, the DNR Director has the authority to discount the antlerless licenses, but the license fee cannot go above the cost of a buck license. Issues with this fund are being addressed through recruitment efforts.

Snowmobile Registration Fund: Revenues to this fund are derived from snowmobile registration fees. **Ms. Schafer** noted that in FY 2004 and FY 2005, transfers were made from this fund to the Snowmobile Trail Improvement Fund in compliance with current statutory language.

Snowmobile Trail Improvement Fund: Revenues to this fund are derived from a portion of snowmobile registration fees and trail permits and a portion from gas tax revenue.

ORV Trail Improvement Fund: Revenues to this fund are derived from any unused ORV title fees (unused by the Michigan Secretary of State) and a portion of ORV permit fees. **Ms. Schafer** noted that ORV fees have not been increased in 1996. These fees are set by the Legislature. **Commissioner Madigan** noted that ORV popularity is growing faster than snowmobiles. **Commissioner Wheatlake** recommended that snowmobilers and ORVers come together and address issues as one unit.

**Ms. Schafer** noted that the DNR receives 2% of the gas tax. That 2% is distributed as follows: 80% Waterways, 6% Recreation Improvement Fund and 14% Snowmobile Trail Improvement Fund.

Recreation Improvement Fund: Revenues to this fund are derived from a portion of the gas tax. This fund is being closely watched.

Forest Recreation Fund: Revenues to this fund are derived from state forest campground fees. Camping fees were last increased in 2002. In 2007 and beyond, fees will either need to increase to remain in the black or expenditures will need to be scaled back. The DNR Director has the authority to raise fees.

Discussion ensued on these funds. The meeting adjourned at 10:50 a.m.

**MINUTES**

**NRC POLICY COMMITTEE ON LAND MANAGEMENT**

**June 1, 2006**

**Lansing Center  
Lansing**

**Present:**

Commissioner Keith Charters, Chair  
Commissioner Mary Brown  
Commissioner John Madigan  
Commissioner Darnell Earley  
Commissioner Bob Garner  
Commissioner Frank Wheatlake  
Senator McManus  
Representative Joel Sheltroun  
Jim DeClerck, Saginaw Field and Stream Club  
Greg King, Saginaw Field and Stream Club  
Bill Bobier, Earthscape  
Bob Gwizdz, sports writer  
John Afton, Afton Deer Management  
Tim Miller, Afton Deer Management  
Erin McDonough, MUCC  
Chris Claver, Gongwer  
Jerry Crandell, MIRS  
Tom Barnes, MI Association of Timbermen  
Warren Suchovsky, Suchovsky Logging  
Erica Barrera, MI Forest Products Council  
Director Rebecca Humphries  
Chief Deputy Dennis Fedewa  
Resource Management Deputy Mindy Koch  
DNR Staff

**Chairman Keith Charters** called the meeting to order at 11:00 a.m. **Deputy Koch** introduced **Lynne Boyd**, Forest, Fire and Mineral Management Division.

**1. Forest Finance Authority and Forest Development Fund Updates**

**Lynne Boyd** provided a chart showing the different organizations represented on the Forest Finance Authority, and related relationships, duties, and responsibilities of each.

- The **NRC** establishes natural resource policy and procedure; approves activities and practices; and monitors/audits investments.
- **Treasury** holds Michigan Strategic Funds (MSF) in common cash; transfers funds from MSF to DNR; and monitors/audits investments.
- **DNR/FMFM** develops and approves list of activities and practices; receives funds from MSF; makes investments in approved activities and practices; awards and administers contracts; hires and manages staff; provides accounting support; and monitors/audits investments.
- **Michigan Forest Finance Authority** approves activities and practices as presented by the DNR; requests funds from MSF; evaluates opportunities for bonding and ability for debt service; issues revenue obligation bonds as appropriate, not to exceed

\$20 Million; assures debt service payments are met; and monitors/audits investments.

- **Office of Attorney General** provides legal opinions on the appropriateness of proposed activities and practices; assures compliance with statutes; and reviews investments for legal compliance.
- **Labor and Economic Growth** provides expertise in economic development opportunities.
- **The Forest Management Advisory Committee** provides broad-based input into forming DNR priorities and practices related to the forest resources across ownership.

The Forest Finance Authority members are appointed by the Governor. Members are DNR Director Humphries, Vice Chair; State Treasurer Robert Kleine is the Chair; Director Robert Swanson, Labor and Economic Growth; Warren Suchovsky representing the timber industry; Kelvin Smyth from the timber industry; Paul Eisele; Karen Potter-Witter from MSU Department of Forestry; Shawn Hagan of the Forestland Group; and Garrett Johnson of the Nature Conservancy.

**Chairman Charters** asked if the Authority already has the \$26 Million. **Ms. Boyd** responded yes. If there was \$26 million in requests for projects, it could all be spent in one year.

**Bill Bobier** verified that the \$26 million is coming from the tobacco securitization fund. Is this a loan to the Finance Authority, or is it a direct grant? **Director Humphries** confirmed that it is a grant.

**Chairman Charters** invited **Representative Sheltrown** to join the commission at the table and provide comment on this topic.

**Representative Sheltrown** stated that the \$26 million was supposed to be used for the creation of employment. He hopes the DNR uses it wisely, because he would have preferred it be used in other areas.

**Ms. Boyd** stated that if the money is used to build roads to make the forest accessible, that will aid in the creation of jobs.

**Deputy Koch** stated the bonds are not tax exempt at this time – but Treasury could change that in the future.

**Commissioner Wheatlake** expressed concern for operational funds.

## 2. Buffer Areas for Timber Harvest

**Deputy Koch** noted the NRC is receiving a lot of interest regarding this, which is why it is on the agenda today. She introduced **Bill O'Neill** of FMFM to lead the discussion. In addition, **Doug Reeves** was present to discuss wildlife habitat in these areas.

Whether we use buffer zones or not is dependent on local circumstances, if we feel that aesthetics are important in each case, and we have an actual resource to use a buffer. You have to consider the type of tree – if you leave a narrow strip of oak as a buffer, you lose the trees because they don't do well under that condition. In the Kirkland Warbler area you don't want a buffer strip to break up that openness. Forest health and blow-down is considered. However, **Mr. O'Neill** noted we use more buffer strips now than we have in the past.

Our sales 10-20 years ago tended to avoid high traffic areas, or stands adjacent to a property owner.

The best way for the public to voice their concern is through the compartment reviews.

**Commissioner Brown** asked if we are using signage to notify the public. **Bill O'Neill** noted that we have done this in the Gaylord area and Higgins Lake area. You will see more and more of this.

**Representative Sheltrown** was told by the local forestry office in his area that there were three reasons why they do not use buffer zones. 1) Some trees don't withstand their neighbors being cut down very well and they will fall over – neighbors wouldn't mind a few trees falling over; 2) people in some cases, would trespass with their boat or a shed – he doesn't feel this is a valid reason; and 3) the local forester said he would not put buffer strips in because he was criticized for hiding something – so he decided he would cut right up to the property line. **Representative Sheltrown** stated these reasons were given to him by the current DNR forester.

**Rep. Sheltrown** feels that every time he suggests something to the DNR, it is met with just a plain "no." If the DNR would be more flexible right from the beginning in trying to meet the wishes of the people, we wouldn't have the problems we are having with the DNR reputation today.

He stated that the forests in northern Michigan are used in a number of ways that are important to our economy. When we talk about clear-cutting, that destroys snowmobile trails, and he thinks we should minimize that as much as possible. Buffer zones need set guidelines so that people are treated equally. Aesthetics should always be taken into consideration.

**Chairman Charters** welcomed **Senator McManus** and invited her to join the commission at the table.

**Commissioner Wheatlake** explained some of the problems in using the buffer zones.

**Mr. O'Neill** stated FMFM now has a form for the forester and biologist to consider aesthetics in every timber sale. We are forcing ourselves to consider this more openly now, and the public has an opportunity for input during the compartment review.

**Chairman Charters** noted the need for guidelines. We need to better communicate to the adjacent landowner what our plans are. **Deputy Koch** stated that we have made great strides in the last ten years to make this information available. We do press releases on compartment reviews.

**Warren Suchovsky** of the timber industry stated that if the public reads the local paper, they are aware of what is going on. The Forest Management Advisory Committee is developing some generally accepted forest management practices that come before the NRC, in response to the "Right to Forest Act" that was passed four or five years ago. We acknowledge that visual sensitivity needs to be addressed.

**Tom Barnes** from the Michigan Association of Timbermen, added that the DNR has done a good job of putting the compartment reviews on the internet with all the information you need, to know what is going on in that compartment. The only problem is that not everyone has a DSL or high-speed connection, and it takes forever to download. He asked if the DNR could provide that information on a CD. **Bill O'Neill** responded yes, we can also provide a hard copy.

**Mr. Barnes** stated the timber industry makes an effort to get notification to all landowners in the area of a unit that is going to be cut. He asked for a definition of buffers.

**Representative Sheltroun** noted that these are not easily found in the newspaper – they are buried. The timber industry knows to look for this sort of thing. He feels a mailing to property owners is definitely necessary.

**Commissioner Wheatlake** explained to **Rep. Sheltroun** that clear cutting is necessary for deer habitat.

**Chairman Charters** said, to wrap this up, there is too much subjectivity to the decision, and we need guidelines. We will put this on the agenda again in six months or so.

**Senator McManus** said she would like to comment on House Bill 5628. This is in the Appropriations sub-committee right now. Senator Shirley Johnson suggested we look at having an earmark for the Forest Finance Authority to look at how we can make our forests more productive. The current version that is before her sub-committee wants to divert some dollars from this fund. She would like the timber industry to have an open mind and consider supporting something like the substitute she is proposing.

The substitute bill will be up next week. Senator McManus read from the draft:

*“The authority shall use money received by the Forest Development Fund pursuant to Section...following subcategories:*

*The dollars can be used for*

- 1) technology advances and inventory on state-owned forest land;*
- 2) infrastructure improvement, management and maintenance activities on state-owned forest land;*
- 3) education and training of forest industry related professionals;*
- 4) the forest protection projects that utilize working forest conservation easements to maintain private ownership of forest land, allow for continued substantial forestry, allow public access for hunting, fishing, and other outdoor recreation, and protect high-value forest from fragmentation and non-forestry development.*

*Not more than 33 percent of the money allocated under this subsection shall be used for projects under this subdivision.”*

She feels that this particular bill is a productive piece of legislation that she would like to move out of her committee. She has obtained support from MUCC, the DNR, and the Nature Conservancy. Now she is seeking support from the timber industry.

**Commissioner Brown** noted the text begins “The authority shall...” She asked **Senator McManus** if this is a requirement to spend, and what is the timeframe? The senator said there was not a timeline, but they will definitely spend the \$26 million. She could put “may,” but didn’t see the need. She thanked **Commissioner Brown** for the comment.

### 3. Land Consolidation Update

**Steve Sutton and Kerry Wieber** provided a Phase 2 update. In May, the DNR presented the Land Ownership Strategy to the Senate Committee on Natural Resources and Environmental Affairs.

Recommendations for the 4<sup>th</sup> group of ten counties will be presented for the NRC/Director action this afternoon. Staff is withdrawing Baraga County from that group due to the large amount of public input. Staff would like additional time to review and take those comments into consideration before making final recommendations. Baraga County will be brought back before the Director and NRC when this additional review is complete.

Parcels for the 5<sup>th</sup> group of ten counties are currently being reviewed by field staff.

**Kerry** provided an attachment that is an acreage summary. It includes totals for the first 30 counties completed in Phase 2. This summary also includes a total of public lands inside the DNR boundaries for each county reviewed.

The **Director** indicated that the review period for the 5<sup>th</sup> group of ten counties has been extended because we are in the heart of the camping season, and Parks and Wildlife staff are being pulled in too many directions. **Chairman Charters and Commissioner Brown** felt this was a good idea, in order to do a thorough job.

**Ed Meadows** presented an update on Phase 3. Two counties are on the internet right now (Berrien and Dickinson). These parcels are available to the public for exchange over the next 60 days. After 60 days, they will be offered in a sealed bid auction. Local units of government and alternate conservation owners have responded. There were two applications to purchase property received from local units of government – one in Berrien County and one in Dickinson County. No applications were received from alternate conservation owners.

Presently we are preparing to offer the next eight counties to local units of government and alternate conservation owners, with a target of mid-June to send out the notices. The parcel lists should be posted to the DNR website at the same time. A press release is also planned.

Based on lessons learned from the pilot effort, additional steps were taken with these next eight counties:

- Clarify DNR ownership, parcel history, and site condition.
- Identify in advance, parcels eligible to send to the Fast Track Authority.
- Ascertain estimated parcel size when legal descriptions indicate undivided interests and/or multiple lots in one description. This will make the parcels better identifiable to potential buyers.

A clean up of land records was intensified on the 5<sup>th</sup> set of ten counties prior to field review. As a result, a number of parcels were removed from the review process.

**Bill Bobier** asked if alternate conservation owners have to pay fair market value. **Ed's** response was "yes." Only those parcels that go to the Fast Track Authority could possibly be obtained by public use deed.

**Commissioner Charters publicly thanked Kerry Wieber and Steve Sutton** for the marvelous job they did before the Senate Natural Resources and Environmental Affairs Committee. Great job!

#### 4. **Emergency Road and Trail Closures**

**Deputy Koch** explained that she wanted this on the agenda because she knows the Commission is extremely concerned about the Department closing access to public lands. Through the Forest Certification process, one of the things we did have to develop

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was a mechanism to quickly close roads when we might have an emergency such as flooding.

This is a temporary situation. If you use this procedure, there is a specific length of time that the closure can be in place without taking more formal action. She just wanted the Commission to be aware that this is an additional tool available to field staff.

**Lynne Boyd** explained that this is to protect water and soil quality, or health and safety. If it becomes a long-term closure, it will be done by "Director's Order."

**Chairman Charters** adjourned the meeting at 12:35 p.m.